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Whereas by Regulations I and II of 1803, in the districts subject to the Presidency of Fort St George where the permanent settlement of the land revenue has not been established the exercise of Judicial power, in the determination of civil causes has been committed to the Collectors in the first instance, and on appeal, to the Board of Revenue and whereas with a view to more effectual administration of Justice the Governor in Council has deemed it expedient to abrogate the powers thus committed to the Collectors, and to the Board of Revenue, and to appoint Courts of Justice in districts where the permanent settlement of land rent has not been established, on the same footing and with the same powers as in those districts into which it has been introduced —

Wherefore, it becomes necessary to prescrib

the mode in which the settlement of the revenue shall be formed by Collectors in those districts and to define the powers vested in them — the following rules are accordingly enacted for the guidance of Collectors and their subordinate Officers in fixing the public revenue payable from lands not permanently assessed and in realizing the amount of that revenue

Sections XXIX, XXXVII, XXXIX, XLIV, XLV, XLVI and XLVII, of Regulation I, 1803 and Sections XXXVIII, XXXIX, XLI XLV, XLVII, XLVIII, XLIX, L, LI, LII, LIII, LIV, LV, LVI, LVII and LVIII of Regulation II 1803, as also such parts of any other existing regulation as may be contrary to this Regulation are hereby rescinded.

First. The lands in districts where the land rent has not been permanently settled shall be let on a lease for three years at a fixed equal annual rent, the amount of which regulated with reference ... [illegible]

receipts from such lands for a period of years
shall be proposed by the Collectors and revised by the
Board of Revenue; - but no settlement shall be
considered final, until the previous sanction of
the Governor in Council shall have been received -
In cases where from the state of the Country it
may not be practicable to conclude a settlement
at a fixed equal annual Jumma, or rent on
lease without an obvious loss to Government
Collectors shall propose the terms of a settlement
for such annual increase, during the lease, as
may appear to them to be just and equitable. —
lease - On the expiration of the first lease
of three Years; new engagements shall be entered
into for a further period of four Years on the
following conditions Vizt. The difference between
the annual amount of the first lease, and the
actual net produce of the lands at its close -
being ascertained from the accounts of the
Curnums and the registers of Cultivation kept by
the Officers of Government 2/3rds of such difference

added to the former rent, shall become the amount of the annual demand for the second term.—

Third.— At the termination of the second lease, making seven Years from the commencement of the first. a permanent settlement shall be concluded where it may be practicable, on such terms as Government may deem to be moderate and expedient with reference to the actual state of the country its means and capacity of improvement.—

Fourth, Persons fulfilling their engagement for the first and second Terms shall have the option of retaining them in perpetuity on the terms which Government may prescribe. and the lands, or Estates so held by them shall not be exposed for sale, except such immediate occupant should decline to become the proprietor.—

Fifth . Persons claiming lands of which they have not possession and not preferring their claim to regain possession of such land within six months from the publication of the presen

Regulation, shall not be entitled to be put in actual possession before the expiration of the first lease of three Years, and claims not prefer[red] within the period of the first lease of three Years, shall not entitle the claimants to regain possession until the expiration of a second lease if such should take place. But this rule shall not be construed to restrict persons, from preferring their claims at any time, before the conclusion of a permanent Settlement of the lands in Question. —

First — In all cases where there are Zemindars, or other Landholders the settlement shall be made with them provided they accede to such terms of Settlement as shall be deemed fair and equitable by the Board of Revenue and Governor in Council and shall give security equ[al] to a fourth of the Amount stipulated to be paid the first year of the lease. Where a Collector may judge it inexpedient that a Settlement

[illegible]

landholder he shall detail his reasons for
rejecting the claim, with every information
may have obtained relative to such Zemindar
or other Landholder; shall state to such
Zemindar or other Landholder the objections
which in his opinion exist against his holding
the rent of his land shall require the answer
of such Zemindars or Landholder to the
objections urged to his claim, and shall &
transmit his observations and reply of the
Zemindar or Landholder for the consideration
and determination of the Board of Revenue.—

Second.— Where a Zemindar or other
Landholder may decline entering into en-
-gagements for his Estate, he shall be allowed
for the present as Malikana ten Pcent on
the net revenue of the Zemindary or lands,
and in like manner where the Board of
Revenue may reject the claim of a Zemindar
to enter into agreements with Government,
the ... ... of Malikana shall be paid to

him, for the present.

Third. In large Zemindaries, containing several dependent Talooks or Estates, of which the actual proprietors may be now and have been for a length of time in undisturbed possession, the settlement shall be made with such dependent Talookdars separate and distinct from the engagement of the principal Zemindars; provided however, that either the Talookdars shall be desirous of such separation or the Zemindars shall require it, and that the Amount of the Annual jumma paid by such Talookdar or other land holder shall exceed 500 Pagodas.

Fourth. Should a Zemindar or other landholder consider himself aggrieved by a separation made in conformity to the above clause or a Talookdar be dissatisfied at not being separated from a Zemindary agreeably to what he may consider his right, in either case, the party considering himself aggrieved, shall be at liberty to sue for redress in a Court of Justice. The

Collectors shall not suffer such disputed claim to interfere with, or delay the immediate conclusion of the settlement, which in all doubtful cases shall be made with the person in possession. —

Fifth All lands at present separately appropriated by Zemindars or other landholders to the subsistence of themselves and families, and all lands held by the private servants, and by dependents of such Zemindars and landholders shall be considered as forming part of the Zemindary and the present value of such lands shall be considered as forming part of the present assets of each Zemindary or Estate —

Sixth Where a Zemindary may have been mortgaged, or transferred as security for a debt and actual possession given to the Mortgagee or surety, the settlement shall be made with such Mortgagee or surety in

at liberty to adjust his Accounts with the actual possessor, or to sue for redress in a Court of Justice.

Seventh. In all cases where a settlement may be made with a Zemindar under the preceding clauses of this section the Zemindar shall exercise the powers over under farmers and Ryots which are defined in Regulation XXVIII, 1802, and in all other respects during the continuance of his lease, shall be subject to the rules and regulations prescribed for the conduct of Proprietors holding under a permanent Sunnud.

V. First. Where Zemindars, or other land-holders shall decline entering into engagements for their respective Estates or where they shall have been set aside temporarily or permanently by the decision of the Governor in Council, or where there are no landholders in possession the lands shall be considered Circar lands and be divided into Estates according to the provisions of Regulation XXVI 1802, the revenue to be payed for the Estates so constituted shall be proposed by Collectors, in the first instance be revised by th

Board of Revenue and be ultimately fixed by the Governor in Council, and the lease of such Estates for three Years shall be disposed of by Auction to the highest bidders at the Cutcherry of the Collector, and the sale shall be conducted in the same manner as the sale of Estates, the revenue of which has been permanently fixed and under the provisions of the Regulations enacted for the sale and subdivision of lands. —

Second - The purchaser of the lease previously to be placed in charge of his farm shall receive a Sunned or deed of temporary lease under the official seal and signature of the Collector and shall execute and deliver to the Collector a corresponding Kabu-liat - The said Sunneds and Kabuliat shall contain the conditions and Articles of tenure by which the lands are held, the form of a Sunned and of a Correspondent Kabuliat shall be proposed by Collectors shall be revised by the Board of Revenue. —

Third Collectors shall propose in such form of Sunned and of Kabuleat any particular provi

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provision which local circumstances or usage may suggest as necessary for the greater security of the cultivators of the land or other occupiers of land or for the security and benefit of the leaseholder.

Fourth.. All such Sunnuds and Kabuliats duly and lawfully executed shall be deemed valid in the Adaulet Courts.

Fifth, In cases where Pottahs shall have been issued by Collectors to persons enjoying the usufructuary occupancy of the soil, the general stipulations of the Pottahs shall be recognized in the body of the Sunnuds and Kabuliats and the names of the persons to whom granted and extent of Ground for the occupancy of which they have respectively been issued, shall be entered in a Register to be kept by the Collector for the purpose; an authenticated extract of which shall be delivered to the leaseholder; in all cases of dispute between the leaseholder and persons occupying lands under him, the said Register or Extract of it shall be received in evidence by the Courts. Nothing in this clause shall be construed to

prevent any alteration in Pottahs issued by Collectors made by the mutual agreement of the parties.–

Sixth. It shall be a special condition of every lease that the Collector shall be at liberty to institute a Survey of the lands of every Village constituting the farm, for the purpose of ascertain-ing their Extent, classing the several descriptions of Soil, and rating them to a money Rent for which purpose the accounts of the respective Villages shall at all times be open to his inspection – he shall be at liberty to appoint Officers for keeping registers of the cultivation, and the Curnums shall be subject to his control in the manner prescribed in the Regulations. Any leaseholder who shall be proved before the Court of the Zillah to have [in]fringed this condition of his Sunnud by wilfully opposing the Collector in obtaining information respecting the Survey instituted by him, or servant employed in the execution of it, shall be liable to a forfeiture of his lease, under the rules prescribed with respect to a defaulter resisting the pro

a Collector for the recovery of Arrears. But Lease-
holders shall not be bound to collect their rents
or to regulate their demands by such survey of
land and such valuation of lands.

Seventh. The leases of the several Estates
shall be transferable by sale, gift or otherwise;
in which case the rights, privileges and engage-
ments of the first farmer for the period of the lease
unexpired, shall devolve on the person to whom
the lease may be transferred, and the obligation of
the Kabuliat shall be binding on the person to
whom the lease shall have been transferred.

Eighth. Kabuliats to be executed by
Zemindars, landholders or leaseholders shall
contain a Kistbundy to be formed by Collectors
with a reference to the season of reaping and
selling the different products of the earth: the rent
shall in cases be divided into parts of Sixteenth
and the period of a Kist becoming due shall
uniformly be on the fifteenth day of the Month.

Ninth. In cases where Pottahs shall no

have been issued by Collectors to the persons enjoy[ing]
the usufructuary occupancy of the Soil previously t[o]
granting Zemindaries or estates in rent. Zemindar[s]
and leaseholders shall issue Pottahs to the
Inhabitants and Cultivators and receive Muchilka[s]
from them under the rules prescribed in Regulation
XXX 1802, but the rates of assessment in money
grain or a division in kind, therein stipulated for,
shall be the same as prevailed in the same lands or
in cultivated lands of the Village of a similar descrip-
-tion and quality in Fusly 1213 unless it shall be
otherwise settled by mutual agreement between the
parties concerned.

Tenth. Leaseholders, during the period
of their lease, shall be subject to all the rules or
regulations which have or shall be passed by the
Governor in Council relative to permanent
Landholders unless particular exceptions be made
or express conditions to the contrary be entered in
this or any future regulations.

Eleventh. Where leaseholders may discover

that persons hold land at a reduced rate of commutation at a high tarvum; or high teerwa obtained through fraud or collusion, such lease-holder shall on proving such collusion or fraud before a Court of Justice be at liberty to demand from such persons the rate of Teerwa of money rent or of Sircar [illegible] paid by lands of a similar description in the same Village.

VI. First. Where it may not be possible to form a settlement with the Zemindars or other landholders nor to dispose of the Estates into which the Circar lands may have been divided, Collectors shall represent the Circumstance to the Board of Revenue, and if their sanction to the measure be obtained shall make a detailed Ryotwari settlement with the Ryots or actual Cultivators in each Village, stipulating, with respect to lands where a division of the produce is customary, the shares they are to receive from the different kinds of land and description of produce and the rates at which the share of Government

is to be commuted for money or in lands for the occupancy of which a money rent has usually been paid the Peerwa fixed on each Goontoo, Goonta, Cottah or Cawny, or such standard land measure as in use in the perspective districts. –

Second. Where a Ryotwari Settlement shall be formed Pottahs shall be issued to each Cultivator by the Collectors of the same description and containing generally the same provisions as those prescribed by Regulation XXX 1802, to be in use between [illegible]holders their under farmers, tenants and Ryots; in lands where a division of the Crop has been usual, the rates of the Government and Cultivators share respectively shall be entered in the Pottahs, according to the rates prevailing in th[e] Cultivated lands of the Village of the same descript[ion] and quality in fasle 1213, and the rates of com-mutation shall be the average selling price of th[e] same kind of Grain in that Year; in lands usual[ly] paying a money rent, the Peerwa stipulated for in the Pottah shall be the same as that paid in Fasli 1213. –

Third Where a Ryotwari settlement may be expedient and it be discovered that lands of a superior quality whether subject to a divis=on of produce or paying a money rent have been rated in fusli 1213 in an inferior class, or where lands the produce of which in that Year yielded to Government a low share or a low rate of Teerwa, shall hereafter be cultivated with the more valuable grains or such articles as have usually afforded to Government a large share or a high rate of Teerwa, the Collectors are authorized to assess such lands with their full value, with reference to lands of a similar discription in the same Village, according to the species of Cultivation carried on in them in the Year for which the settlement is formed. Where it shall be discovered that lands of an inferior Quality have been rated too high in fusli 1213, or where land which in that year afforded a superior species of produce, shall from want of

other causes be appropriated to

cultivation of less valuable Articles. the Collector shall report the circumstances to the Board of Revenue stating the rates of division or Peerua they propose to be demanded and wait their directions for the Reduction. —

VII. Where Zemindars or other actual proprietors, shall not have entered into engagements for their respective estates, or where there are no proprietors, or where it may not be found possible to dispose of the lease of an Estate at an adequate rent, or where the Inhabitants will not consent to the commutation of the Usual Warum at a reasonable rate for a money payment a Village settlement shall be made of each Village giving the preference to the Mahajins, Makhistans, principal Reddies, Caduns, or any number of respectable Ryots of the Village in which case the person or persons with whom the Village rent shall be formed, shall be subject to the rules prescribed in this Regulation with respect to leaseholders, excepting that if the lease be resumed, on accou of the nonperformance

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it shall not be sold but a new one formed with other persons, or the Village kept under Aumani as prescribed in the following Section.-

VIII. Where, under the circumstances already stated or for any other cause a settlement shall not be formed with the Zemindars or other actual proprietors of land, or where the lands shall not be let out in Estates or a Ryotwari Settlement made for money payment with the Inhabitants in General, or the Village rented to the head Inhabitants, the land in Question shall be kept under Aumani, subject to all the rules prescribed with respect to a Ryotwari Settlement except that providing for the commu=tation of the Sircar share for money. A Village shall never be rented to the Head Inhabitants nor kept under Aumani unless the Collector on a representation of the Circumstances rendering it in his opinion expedient shall have obtained the sanction of the Board of Revenue to the

IX. First. In the Pottahs granted to Ryots and other under tenants, whether by Zemindars or leaseholders, or by Collectors in case of a Ryotwari settlement, and in the Muchilkas received from them the produce or value of all authorized and established Maniams, Russooms dues and alienations of every description payable by the Cultivator shall be consolidated with the land rent and formed into one jumma which shall be expressed in a gross sum in the Pottahs and Muchilkas.

Second. The amount of all Maniams, Meras Russooms, dues, and appropriations which have not been customarily received by Government shall be collected by the Zemindars & Leaseholders and paid by them to the respective claimants, except the amount of the Maniams, Meras, Russooms, dues and alienations of any kind appropriated to the support of Pagodas, Choultries, Mosques, or Tombs or oth... religio... establishments in which c...

Government may be pleased to determine either continue to be exercised by the authorized officers of those Establishments, or be collected by the Zemindars and Leaseholders and paid into Treasury of the Collector, with the Public revenue, to be by him disbursed to the several Establishments under the Orders of the Board of Revenue.

Third. - If the Amount of any authorized Maniam, Mera, Russoom or other appropriation in land, Grain or Money withheld from any person or Establishment claiming to enjoy it, such persons and the authorized Officers of the Establishment claiming it, shall be at liberty to sue the Zemindar or Leaseholder, who withholds it, or if withheld by Government, the Collector in the Adalet Courts of the Zillah for the recovery of it and the said suits shall be regulated by the rule prescribed in the Regulations for the Conduct of suits against individuals or Collectors respectively

X. It shall be competent for

... er actual proprietors of land

with whom agreements are formed, or with the leaseholders, if the lands are rented out in Estat[e] to sue in the Courts of Judicature for the recover[y] of alienated lands under the provisions of Regulation XXXI 1802, and they shall enjoy, for the period of their engagements, the revenues of such alienated lands not exceeding 20 Cawnes in any one Village as they may recover free of all assessment or demand whatever, or for such further period of the second lease as the Board of Revenue may determine, such lands to revert on the expiration of their Engagements to Govern=ment. No Zemindar, Proprietor of land or leaseholder shall institute suits for the recovery of alienated lands, unless they previously obtain through the Collector, the permission of the Board of Revenue for that purpose in writing.

XI. First. — All rents and Revenues derived from fisheries, from Orchards from pasture ground, from House rent, or rent for the Ground occupied by ho[...] [...]houses [...]

buildings shall be included in the assets of the Estate to be let in lease.-

Second.- The rent given in lease to Zemindars or other persons shall not include the revenue derived from Salt, Salt Petre, Chank, from Pearl fisheries, from duties on Commodities or from the sale of Country Arrack of foreign Spirits or of Toddy.

XII First- All allowances in land, grain or money to Cauzies, Canongoes, Stala Curnums, Stala Mujmadars or other revenue Officers, with the exception of Curnums, heretofore paid wholly by Government or jointly by Government and the Cultivators: all public pensions hitherto paid through the landholders shall cease: the appropriations in land shall be annexed to the Circar land; and the Russooms Merahs, or fees in grain cease to be deducted from the produce.-

Second- Cauzies, Canongoes, Stala Mujmadars, St[illegible], or other persons deprived

of the emoluments of their Office under the foregoing section shall receive during their natural life a pension equal to of those emoluments, which pension shall take effect from the date of the resumption of the said emoluments. - Collectors shall prepare and transmit to the Board of Revenue an accurate statement of all emoluments in land, grain, or money shewing the extent of land and distinguishing the Nunja, Punja, arable and waste lands; stating the average annual gross produce for the last three years and the total Emoluments of each of the Officers above described, or of persons coming under a similar description with explanations on the nature of the Office, of the length of the time, each officer has filled such office with a statement of the Age and General character and Conduct of each officer: Copies of their Original Sunneds of office shall be taken and transmitted to the

13

certificate being granted such Officers shall be required to surrender their original Sunnuds.

XIII. All appropriations in land Mony or grain to Village Sibbendy or the Municipal esta-blishment of each Village shall continue as heretofo[re]

XIV. Lands held on Shotriam Belmucta[dar] or Enam tenure or lands paying a fixed revenue or exempt from the payment of revenue not at present included in any Zemindary shall be added to the Estates ordered to be formed in Sectn. V of the khas lands, but the act of including them in such Estates shall impugn the rights or Privileges of such Shotri-amdars, Belmuctadars or Enamdars or persons holding lands under favorable tenures, all paymen[ts] or services due by such persons shall be made or ren[der]-ed to the Leaseholder of each Estates. —

XV First All Villages Manniams, Maras or other appropriations in land grain or Mony to Poligars Cavilgars or other persons for the purposes [...] Cavil or for the protection

of the police of the Country or of the High Roads, shall be valued and included in the assets of each Zemindary or Estate, and the Amount of such alienation shall be appropriated as Government may deem proper. Collectors shall keep a separate account of the Rent and Revenues of such appropriations in order that an equal Sum or such sum as the Governor in Council may deem adequate may be appropriated to purposes of Police.

Second — Maunnioms, Maras or appropriations in land, Grain, or Money to Village Tookeries, and Talia-ris or Watchers shall be continued to them in the same manner as they have hitherto been allowed.-

Third — Zemindars or other landholders and Leaseholders shall be held responsible that the usual Establishment of Village Tookeries and Taliars be kept up, and where it may be proved to the satisfaction of the Magistrate that such officers have not been appointed where allowance described in the preceding section for such Officers, such Zemindars Landholders

Leaseholders shall be mulcted by the Magistrate in the full amount of such appropriation with such further fine not exceeding — Star Pagodas as the Magistrate may deem proper —

XVI. Collectors shall be held responsible that Curnums shall be appointed under the provisions of Regn. XXIX 1802. in all cases where Curnums are required to be appointed by that Regulation. Register of all Curnums shall be prepared in Duplicate one list to be lodged in the Cutcheree and one to be delivered to each Zemindar Landholder or Leaseholder or entering into engagements conformably with the provisions of this Regulation.

XVII. The repairs of all Tanks Tangels Cushams, and Water courses from Rivers shall in the first instance be left entirely to Zemindars other Landholders or Leaseholders and the benefits derived from such repairs shall belong exclusively to such Zemindars and Landholders during the period of their lease — whenever Zemindars, Landholders

or

or Leaseholders may be unable from poverty or other causes to make the repairs required to Tanks Tongels Cushoms Watercourses or other sources of irrigation within their Zemindaries or Estates, and where such Zemindars or Landholders may require the aid of Government to make such repairs and may offer either to reimburse the amount of such repairs by an adequate security for the repayment of the Money with interest at 12 p^c. within a given period Collectors shall transmit such offers to the Board of Revenue who shall either order the repair to be executed at the expence of Government or an advance of Money to be made as to them may appear expedient provided always that the previous sanction of the Governor in Council shall be obtained for such disbursement of Public Monies.—

XVIII. Persons of every description holding leases, (except actual cultivators with whom a Ryotwari Settlement shall be formed) shall give security [illegible] tenth of the amount of the[illegible]

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annual engagements in default of which the lease shall not be confirmed to them.

XIX. All engagements entered into with Government, shall be exclusive of Sayer duties and of all other collections not connected with the land revenue hitherto levied under the denomination of Zemindary and Tannahdarry duties. The Cabooleats executed by Zemindars and other actual proprietors of land, shall contain a clause restricting them from collecting Sayer duties whatever, in their respective tenures. And the Collectors are required to explain fully the nature and extent of this restriction, in Order that persons desirous of entering into engagements may regulate their proposals accordingly. Enaams, Yomeas and Pensions of every discription shall be paid by Government from its own treasuries and no deductions whatever shall be admitted on these, or any other Accounts.

XX. Persons entering into engagements [illegible] th Govern[illegible] t[illegible] the payment of rents and

revenues

revenues shall pay such rents and revenues to any person duly authorized and empowered to receive such rents and revenues, and the receipts of such persons shall be considered equivalent to receipts of the Collectors.-

XXI. First. Where Tasildars may be required for the purpose of Collecting the rents engaged for by Leaseholders or other persons paying rent to Government- Collectors shall report the number required and propose, fit and proper persons to hold that situation, subject to the approval of the Board of Revenue.-

Second. Tasildars appointed under the preceding clause shall previously to entering on the duties of their appointment, give security for a sum equal to the aggregate amount of the highest sum they will according to the Kistbundy of their range of Collection, be entrusted to collect,

Third. Tasildars once appointed shall not be dismissed without the sanction of the Board of

of Revenue shall have been previously obtained.-

XXII. The Tasildar shall not issue a Dustuck or written demand for the payment of any Kist, or instalment until it be due. But when any person shall have failed to pay his Kist before, or on the date on which it may become due, the Tasildar shall issue a Dustuck and cause it to be served by a single Peon, on the party in arrear; the peon so deputed shall receive from the Tasildars Treasury, until the demand be discharged; one fanam perday as batta, excepting in districts where custom has fixed the subsistence of Peons at a lower rate, in which case such lower rate and no more shall be paid; the aggregate amount of such payments shall be added to the sum due by the defaulter and be collected from him by the Tehseel-dar in addition to the amount for the recovery of which the dustuck was issued. Any Peon demanding or receiving ~~any~~ from Leaseholders Cultivators

or other persons under whatever pretence shall be dismissed, and on conviction before the Magistrate shall be liable to such further punishment as the nature of his Offence shall appear to merit.

XXIII. First. Tasildars are strictly prohibited from employing armed Peons to serve the above-mentioned, or any other distucks. This duty shall be performed solely by Peons entertained on Monthly Wages to be paid from the Sircar Treasury.

Second. Tasildars shall report and appoint their Peons in the first instance subject to the inspection and approval of the Collector the names of the Peons thus entertained by him, as well as such occasional dismissions vacancies, and appointments as may occur shall be reported by the Collector - the Collector shall furnish the Tasildars with a correspondent number of badges which such Peons shall wear, and without which, they shall not perform ~~any~~ official Act. On each of these

badges

badges shall be inscribed in the local dialect and Character "Peon of the Tasildar of ——" (name of the Mohaul or district under the charge of the Tasildar, in whose service the Peon may be employed.)

XXIV. Every dustuck issued by a Tasildar for enforcing payment of a Kist, shall be signed by him and bear his Official Seal and be attested by the Sheristadar Officiating in the Tasildar's Cutcherry, who, on the Eighth of each succeeding Month shall transmit to the Collector, an attested list of all such dustucks as may have been thus issued.

XXV. Where a Zemindar or other Landholders appointed to pay his revenue directly into the Treasury of the Collector shall fall in arrear the Collector may address his dustuck or written demand for the Arrear either to the defaulter himself, or to his Malzamin, or Security, or if necessary to both.

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XXVI. With respect to the lands, the revenue assessed on which is not appointed to be paid immediately into the treasury of the Collector the Tasildar at the expiration of the fifth day from the date of his Dustuck having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, to be served on their sureties and when the revenue in demand, together with the expences of the Peon deputed, shall be realized from the principal or surety; either at their places of abode, in consequence of the dustuck being served upon them, or at the Tehsildars Cutchery, to which the Peons are to convey them, by such time, (consistently with the period fixed in the ensuing section, for their being sent to the Collector) as shall be specified by the Tasildar in the Dustuck, such Dustuck or Dustucks, together with the Peons serving the same, shall thereon be immediately with-drawn.

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XXVII. The Tasildars are not to confine in Jail or put into Stocks or irons, any persons whether Principal or Sureties, who may be in Arrears on account of the revenue, but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served such party or parties are if their arrear exceed Star Pagodas to be sent with a Written report of the Circumstances to the Collector. In such instances and also in similar cases of Huzzoory Malgazars or their securities on whom he may have sent a Dustuck or written demand, and summoned in the first instance, the Collector, after enquiring into the circumstances, shall within ten days after the arrival of such defaulter or defaulters at his Cutcherry, (during which period of ten days he may either confine their persons or only keep over them the peons with whom they arrived.) either discharge him or them, on his or their paying the Amount in demand, or satisfying the

the Collector that he or they will make good such payment, before the expiration of the Current month, or otherwise, the Collector is to cause the party or parties in question after the expiration of the ten days, to be conveyed to the public Gaol of the nearest Court of Adawlet. and the Collector is to apply to the Court by motion in writing, to be made in open Court, (if the Court shall be sitting) through the pleader of Government, for the confinement of the defaulter. If the Court shall not be sitting the motion is to be presented to the Judge out of Court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. - Upon receipt of the motion the Judge is immediately to order the defaulter to be confined in the Gaol of the Adawlet and detain him until he have discharged the arrear for which he may have been taken into Custody. and all subsequent arrears that may become due during his confinement, or until the Collector shall apply

to

to the Court by motion made as above directed to have him released.—

XXVIII. To prevent Zemindars or other proprietors or Leaseholders withholding the payment of the public revenue from deriving the benefit of the use of the money, or otherwise applying it to their private purposes. Collectors in every case in which they shall be satisfied that a Talookdar, Zemindar, or other actual proprietor, or farmer of land, has, without sufficient cause, withheld the payment of the public dues are empowered to charge the defaulter with interest on the arrear, at the rate of twelve per cent per annum, from the period at which the arrear became payable, until the date on which it may be discharged. The payment of the interest shall be enforced by the same process which is prescribed for compelling the discharge of arrears of the stipulated public revenue. In all cases in which the Collectors

may

may exercise the power vested in them by this Section, they are immediately to report the same to the Board of Revenue, who are authorized to grant a remission of the whole or any part of the interest levied, should they deem it adviseable.

XXIX. If the Crops in any Zemindary Estate, farm or in lands for which a Ryotwar Settlement has been made shall have been damaged or destroyed by drought, inundation or other Calamity of Season, or from any cause not originating in the neglect, mismanagement, or misconduct of the Zemindar, proprietor Leaseholder or Cultivator, and such Zemindar proprietor leaseholder or cultivator shall fall in arrears, so as to subject himself to be confined under Section XXVII and the Collector shall be satisfied from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the Current month, as required in

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the said Section, either from the Collections on Account of such Year from his Estate, or from his private funds or property, or by loan, he is directed to suspend the exercise of the powers vested in him in Section XXVII for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by the instructions which he may receive from them.-

XXX. Tasil. In all cases of the default, or confinement of parties from whom revenue may be due, the Collector is to issue directions to the Tasildar of the District in which the lands of the defaulter may be situated, to levy the Public revenue, by realizing the defaulter's full share of the assessment on the Crops to the end of the Year, or until such time as he or his security, in case he shall have given security, shall have paid up the balance, together with the charges of the Peons who may have taken him

into

into Custody

Second. Provided however that whenever a Zemindar Proprietor Leaseholder or Cultivator of land shall subject himself to confinement, and his Estate or farm to attachment, for arrears of Revenue under the provisions contained in this Regulation, and the Collector shall be of opinion that instead of confining the person of the defaulter and attaching his Estate or Farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter, according to the process prescribed in Regulation XXVIII. 1802. whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property of the latter: or if in any case notwithstanding the confinement of a defaulting proprietor or farmer, and the attachment of his Estate or farm for an Arrear of Revenue, such arrear be not discharged and the defaulter or his Surety shall possess any personal

property

property from which the same can be made good. the Collector may in all such cases direct the Tehseeldar of the District in which the personal property of the defaulter and his surety may be forthcoming or if it be a huzzoory Mahul, any Officer whom he may think proper to appoint for the purposes, to cause the personal property of the defaulter or his surety to be distrained and sold, as far as shall be necessary for the recovery of the Arrear due in the mode, and under the restrictions prescribed by the Regulations with regard to the distress and sale of the personal property of Under-tenants for the recovery of Arrears of Rent due from them to proprietors and farmers. The Collector also, in all cases where he may judge it expedient, is empowered to Vest the Tasildar with discretionary Authority to proceed against defaulters within their respective Tasildaries by the established process of distress and sale, without waiting for his previous sanction: but in such cases the Tasildars will be held personally

answerable

answerable, if the Amount for which the distress may be levied is found not to be justly due and in all cases wherein property may be distrained and brought to sale by the Tasildars - they will be held responsible for any wilful deviation from the regulations as prescribed with regard to the Agents of landholders and farmers in Regulation XXVIII 1802.

XXXI. First. In case of the attachment of Zemindary lands or of Estates let on lease the collections are to be made from the Cultivators according to their engagements with the defaulter or defaulters, or where no such engagements exist according to the established rules and usages of the Village or Talooka - and in addition to the Accounts to be kept by the servants of Government the defaulter may appoint a person to keep a Counterpart of the Accounts of the receipts and Disbursements. -

Second. Whenever the Estates of defaulting proprietors or the farms of defaulting Leaseholders shall be attached under Section XXX, clause first

if

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of the arrears due, with any further arrear that may become due from the same Proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current fusly year together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn and a full and fair account rendered of all receipts and disbursements during the continuance of it.

Third. The injunctions to the Tasildar in clause first to collect from the Ryots according to their engagements with the defaulter is not to be considered applicable to engagements evidently collusive which may have been contracted in expectation of attachment, with a view to prevent the officers of Government from receiving the just rents during the continuance of it. In such cases, the Tasildar is to collect according to the established rates and usages of the Purgunnah, as he is directed to do in cases when no engagement

exists

exists between the defaulter and his under-tenant

It is further hereby declared, that after the promulgation of this regulation, no anticipation of the rent will be admitted in cases of attachment; the landholders and farmers are prohibited from demanding or receiving and the ryots and under-tenants are prohibited from paying any part of the rents receivable by the former and payable by the latter before the stipulated or usual period of payment, according to the kistbundy or other engagements, or established local usage and no person hereafter making anticipated payments against this prohibition, or producing receipts for such whether collusive or otherwise, shall be entitled to credit for the amount from the Officers of Government who may attach the land or Farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant under the provisions contained in this Regulation. Nor shall credit be allowed

for

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for any payment made to the defaulter, after proclamation of the attachment of his Estate or Farm, until further proclamation be made that such attachment has been withdrawn, unless it can be clearly shewn that such procla-mation, which is to be made as public as possible throughout the attached lands immedi-ately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made; provided however that nothing herein contained shall be understood to exonerate the defaulter from credit-ing his under-tenants, or otherwise accounting for all such sums received by him, whether in antici-pation of the rents, or subsequently to the attach-ment of his Estate or farm, the above restrictions having reference to the attachment only —

Fourth. In all cases of attachment, the Village Curnums required to be appointed by

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Regulation XXIX, 1802, will be bound to furnish the Collector and Tasildar, or other officer deputed by him, with the accounts directed to be kept by them; and the Collector is hereby required to take immediate measures for ascertaining whether the Curnums have been universally appointed through-out the provinces as enjoined in the said regulations as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the regulation in Question, under the prescribed penalty which, if necessary, is to be enforced in the mode provided. Defaulting Proprietors and farmers of land, whose Estates or Farms may be attached under this regulation, are also required to furnish the Collector with any Accounts that may be required from them, relative to the Jumma, Collections, and outstanding balances of the Current Year, or of preceding Years, which

may

may be in their possession, as well as to cause their Agents of every description, who may have been employed in the Collections of the Current Year, to attend the Collector, Tehseeldar, or other Officer appointed by him - Any proprietor or farmer, who, on receiving a written requisition from the Collector, under his Official Seal, and Signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the Sanction of the Governor in Council, may think proper to impose upon him, upon the Collectors report of the Circumstances of the case, and the Governor in Council reserves to himself the power of Ordering the imprisonment of any landholder or other person who may persist in refusing to deliver up the Accounts required from him in any particular instance -

XXXII. First - All complaints for any breach of

of the rules contained in the preceding Sections

either by direct infraction of them, or by unnecess[ary]

severity in the execution of them, are declared

cognizable in the Zilla Courts, to which any of

the parties may apply at all times, either in

person or by Vakeel. In such cases, the Judge is to

cause the Collector or Tehseeldar (according as the

act complained of may have been done by the

former, or the latter,) to be immediately served

with a Copy of the Complaint fixing a date,

according to the distance of place, for the party

complained against to deliver in his Answer.

On the receipt of such Copy and notice, the Collector

or Tehseeldar respectively within the period limited

in the notice, shall give in his Answer to the Court.

stating therein the Amount in demand from the

party or parties on whom the Dastuck shall have

been issued, and if the said party or parties shall

not thereon dispute the Justice of the Demand, the

Judge

judge shall stop all further proceedings in the cause
On the contrary if the plaintiff or plaintiffs in
their replication or that of their Vakeel delivered
into Court, shall not allow of the justice of the
demand and shall thereon tender to the Court
sufficient security as well for the sum actually
in demand, as for such further amount as may
become due from the growing Kists, during the
trial, and condition to abide by such decree as
the Court may pass, including all costs and
charges in case the plaintiff or plaintiffs be cast.
the Judge shall issue a written precept addressed
to the Tehsildar or Collector (according as the former
or the latter may be the defendant,) to withdraw
the distress and Peon from the Plaintiff or Plaintiffs
in the Cause. In conformity to the precept the defend-
-ant shall withdraw his process on the party or parties
complaining, and give in his Answer, when if no
part of the Claim shall be found to be due from the
Complainant, the judge shall discharge him, and
decree

decree such costs and damages against the Tasildar or the Collector, as he may deem equitable, upon a consideration of the circumstances of the cause and the damages so decreed shall be defrayed either by Government or the party prosecuted, according to the rules for such cases hereafter laid down in this regulation; If only a part of the demand shall appear due, the Court is to discharge the Prisoner upon his paying such part— In both cases, however, the court, previous to releasing the prisoner shall take good security from him to perform the final decision in appeals in the event of the cause being appealed by the Tasildar or Collector, in consequence of Orders from the Board of Revenue, or without their Orders, if the Tasildar or Collector shall state to the Court that an Appeal will not be preferred from the decision— or, if an Appeal shall not be lodged within the time limitted for preferring appeals to the provincial Court of Appeal, the Judge shall release the person so confined without taking such

Such Security. — 26

Second. That part of the preceding clause which authorizes the Judge of the Court of Adawlut, on Security being given by the plaintiff to issue a precept for his discharge from confinement and personal restraint, shall not be considered as direct-ing the attachment of the Plaintiffs Estate or farm to be withdrawn unless the arrear of revenue claimed from him by the Collector or Tasildar be paid nor shall the distress and sale of any personal property belonging to the plaintiff, be stopped on account of his having instituted a Suit against the Collector, or Tasildar contesting the justice of the demand upon him — Provided however, that if any Proprietor or farmer of land from whom an arrear of revenue may be demanded, shall by a written re-presentation to the Collector, deny the justness of such demand, but to prevent any Coercive process being issued against him, shall discharge the demand, and shall afterwards establish by a Suit in the Court of

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Adaulut, that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established shall be immediately repaid from the public treasury, with Interest at the rate of twelve P Cent P Annum from the date on which such excess may have been received to the date of repayment.

XXXIII First. - At the expiration of the Year, if an arrear shall remain due from any Zemindar Talookdar or other actual proprietor of land, the Collector is to communicate the Amount to the Board of Revenue accompanied by a detailed Account of the cause of the failure, when as far as regards the lands of Proprietors if the deficiency shall clearly appear to have proceeded from his or their embezzlement, or misapplication, of the funds arising from the produce and of there be no immediate prospect of the party or parties, or his or their securities making good the amount & the cause may not be of such a nature as to induce the Governor in Council to remit the Amount, the Board of Revenue with the Sanction of the Governor in Council may direct the Collector, either to continue the defaulter in possession on his engaging in such a manner as shall be deemed satisfactory to pay up his balance with the future revenue or sequester to the

the use of Government the ensuing years profits of the defaulter- The last Mentioned measure shall be adopted where there is a reasonable prospect of at least realizing thereby, the Assessment payable to Government in the ensuing years, and in such instances, it shall be the duty of the Collector, in likemanner as in all cases in which lands are held Amauny to Acquire the fullest information, and to propose to the Board of Revenue, such improvements as may appear practicable, by making advances of Taccavy. cutting down Jungles constructing embankments, or watercources, so as not only to prevent any diminution of the produce of the lands but to improve and increase it.

Second The profits arising from the surplus collections over and above the former Jumma adjusted by the Settlement after defraying the charges of improvement whilst Government

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think fit to leave the lands in Amauny, shall be appropriated entirely to the use of the public if the defaulting proprietors be dispossessed under the preceding clause, for embezzlement or mis appropriation of the funds for the payment of the public Revenue, and such Zemindars shall not be restored until from their own means they shall have paid up, or given satisfactory security for discharging it. in case embezzlement shall not have been clearly proved against the defaulting land holders, the profits or surplus collections, shall be set off against the arrears due from them and they shall be entitled to reinstatement as soon as the arrears shall thus, or otherwise from their own funds, have been discharged or when they shall deliver in satisfactory <s>it</s>

security for the amount. 25

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Third. The rules in the preceding clauses of this section are to be understood with this reservation, that in all cases where Talookdars Zemindars, or other land owners shall be dispossessed for arrears of Revenue, Government shall have the option of letting their lands on lease or ultimately disposing of them in perpetuity to any person or persons in case of the dispossessed proprietors omitting, or refusing to resume the management of their lands, under the Conditions that may be offered to them -

Fourth In instances of embezzlement or misappropriation of the funds from which the Revenue may be payable by any land holder or in any other cases in which it may be advisable, the Board of Revenue (in addition to such

recourse

resourse as is authorized to be had on the Surety) may recommend to the Governor in Council, the sale of the lands of the defaulter under the Regulations prescribed for sales of land for the recovery of arrears of revenue which renders their property real and personal, liable to sale.

XXXIV. First, Where arrears shall be due by lease holders near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration the Collector, with the sanction of the Board of Revenue, is to advertise the sale of the lease by public Auction in the same manner as is prescribed by the Regulations for conducting the sale of land, the jumma of which has been permanently fixed, and dispose of it to the highest bidder for the period it has to

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to run. In case however the land holder shall be able to find satisfactory security, in addition to that tendered at the commencement of his lease, for the payment of his balance in stipulated kists with the future Revenue, it shall be in the option of the Board to direct him to be continued, in preference to directing the sale of the lease.

Second Where neither the original proprietor shall be reinstated, nor the lease holder in arrear be continued, nor the lease sold, a Ryotwar settlement as prescribed in Section VI shall be formed with the usufructuary occupants of the soil.

Third The Board of Revenue in all cases, in which they may judge it advisable, (in addition to such recourse as is authorized

authorized to be had on the surety, may direct the sale of the property of farmers in arrears, in conformity to the tenor of their engagements.

XXXV. In cases in which arrears of revenue shall be stated to be outstanding against any actual proprietor or leaseholder who shall have given the security required and instituted a suit under Section XXXII to try the justness of the arrear demanded of him, his lands, lease, or other property, shall not be liable to sale for the arrears so claimed, until a final decision shall be passed in the cause, nor are lands, in any case whatever, be sold for the discharge of arrears of revenue without the sanction of the Governor in Council.

XXXVI. If a Tahsildar shall issue the process prescribed in Section XXII or XXVI against

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against any Zemindar or other actual proprietor of land or any lease holder or surety for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed, shall refuse to obey, or resist or cause to be resisted, the Peon deputed to serve such process, or abscond from the Peon after he shall have served such process, or retire to any place, so that the process cannot be served on him the tahsildar who may issue the writing is immediately to repre=sent the case to the Collector, and to transmit a circumstantial report of the circumstance attending it, under the attestation of respectable witnesses, whereupon if the party thus accused shall not intermediately have made his appea=rance at the Collectors Cutcherry the Collector shall

shall give a summons to him requiring him to repair to his Cutcherry for the explanation of his conduct, and for the payment of his kist, along with the two peons, whom the Collector may depute to serve this summons. Upon the arrival of the party at the Cutcherry of the Collector, the latter is to enquire into the circumstances of the case, and as may appear to him proper on a consideration of them. If the non attendance of the party in the first instance shall be found to have arisen from any misconduct in the tahsildars peon, who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly no tahsildar shall afterwards employ him and the tahsildar shall also be removed

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in case the resistance of the party served with the process, shall appear to the Collector to have arisen from the injustice of the demand of revenue made on him - Of all orders for the confinement of dismission of peons or tahsildars under this Regulation, the Collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such farther instructions for his guidance, as they may think proper.

XXXVII In all cases in which the Collector shall order any Zemindar or farmer to be confined under the authority vested in him by Section XXXVI he shall cause a Notice thereof, and of the date from which such imprisonment is to Commence to be made through the Vakeel of Government, to the Judge of

of the Zillah Court of Adaulet within whose jurisdiction the lands of such Zemindar or farmer shall be situated, and such notices are to be filed of record in the Courts, to guard against any undue protraction of the term of such commitments

XXXVIII First. If a Zemindar or other actual proprietor of land against whom the Collector shall have issued process at the instance of the Tahsildars as prescribed in Section XXXVI shall refuse to obey, or ~~resist~~ or avoided compliance with the requisition of the process; or if in the first instance the Collector shall have issued the process prescribed in Section XXV against any Huzzoory Zemindar or other actual proprietor of land, on account of arrears of public revenue, and the defaulter shall refuse

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to obey or resist, or cause to be resisted, the peons deputed by the Collector to Convey him to Goal, or escape after being taken by them into custody or obscond, or shut himself up in his own or any house, or in any building or retaire to any place so that the process cannot be served upon him the Collector is to proceed in the manner prescribed in Regulation XXVII 1802, with respect to persons holding land under a permanent rent - and the Court of Adalet for the Zillah the Provincial Court of Appeal, and the Sudder Dewani Adalet shall be guided respectively in their process and decisions by the provisions of the said Regulation -

Second - If the party resisting the process of a Collector be a leaseholder, and it

shall

shall be proved to the satisfaction of the Court that he is guilty of the Charge, the Court shall decree the lease annulled from the expiration of the fusli year in which the decree may be passed, but the decree shall not be carried into execution without an order from the Governor in Council confirming the decree. It shall be at the option of the Governor in Council either to order the decree to be executed or to Commute the forfeiture of the lease for such a fine, as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate for the offence for which the decree may be passed, or if the defendant shall not be desirous of being continued in his farm to fine him and Compel him to retain the farm during the remainder of

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of the lease, and to hold him and his surety responsible for the discharge of their engagements until the time of the lease shall expire. If a fine shall be imposed on the defaulter, the Court which shall have transmitted the final decree and proceedings to the Governor in Council upon Receiving notice of the fine is to levy the Amount by the same process by which they are directed to enforce decrees of the Court and pay the Amount to the Collector whose process may have been resisted

XXXIX If the lease of the defaulter mentioned in Section XXXVIII shall be annulled, he shall receive credit for the Collections made by the Officers of Government, after deducting the charges incurred which may be admitted, and if any balance shall

there

then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it and the Collec=tor is to serve the surety with the written demand for the Amount requiring it to be paid at the treasury of the Collectorship, within a certain number of days after the day on which the writing may be be served by the Peon to be deputed for that purpose and in the event of its not being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming, and should not have been previously confined, in the Manner in which he is directed to proceed in Section XXVII against defaulters in arrear on Account of revenue. If there shall be

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a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the Zillâ Court the under farmers and Ryots, in the lands included in the farm for any arrears of rent or revenue, that may be due from them to him on account of the period during which his lease remained in force.

XL. If the party resisting the process of a Collector be a surety, and it shall be proved to the satisfaction of the Court in the jurisdiction of which the lands on account of which the arrear may be due shall be situated that the defaulter is guilty of the charge, the Court shall adjudge him to pay a fine according to the nature of the offence, and his situation and circumstances in life but the decree shall not be carried into execution in any case whatever

without

without an order from the Governor in Council confirming the decree - It shall be at the option of the Governor in Council, either to order the decree to be executed, or to alleviate the fine. The Court which shall have transmitted the final decree and proceedings to the Governor in Council upon receiving notice of the fine that may be imposed upon the defaulter, [illegible] to levy the amount of it by the same process by which it is directed to enforce decrees of the Court and to pay the amount to the Collector whose process has been resisted -

XLI Although in the ordinary course of the Collections the transfer or sale of landed property for balances, must take place for the most part towards the end of the year, yet nothing in this regulation is to

to be construed to preclude the Governor in Council from ordering the sale of the lands of a defaulting proprietor of land who may not have instituted a suit to Contest the arrears whether he may be in Confinement or not to be made at any time previous to the close of the year in which the arrears may become due, should it in any case appear to him inexpedient to postpone the sale until after the expiration of it and at whatever period the sale of the lands of a proprietor in Confine=ment may be ordered to take place. If the arrear shall not have been adjudged to be due from him by a decree of a Court of justice, and provided he shall previous to the day of sale, deny the justness of the whole or a part of the Arrear under his engagements and give the Security required in Section 11

XXXII the sale of his lands is not to be

made

made until the cause shall be finally decided. The Collector is not to accept of the security, unless he shall be satisfied that it is good and sufficient. If he shall accept of the security he is to forward notice of the acceptance of it to the Board of Revenue in duplicate by two different posts, to provide against the non arrival of the Notice which may be first dispatched. If the sale of the lands shall be ordered to be made by the Collector of the district he is impow=ered to suspend it, upon such security being delivered to him previous to the sale. But he is immediately to report the circumstances to the Board of Revenue for the information of the Governor in Council. If the Board of Revenue shall annul the lease of any farmer in arrear under section XXXIX the defaulter is to be at liberty to prosecute the

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the farmers or ryots, in the lands included in the farm for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.

XLII First When a Collector shall proceed to Confine the surety of any proprietor or farmer of land, in the cases authorized in this regulation, he is immediately to cause such portion of the defaulters lands as he may estimate to be sufficient to make good the Amount of the demand in the event of their being sold to be attached under the rules prescribed in Section XXX and XXXI for the attachment of the lands

lands of defaulting proprietors If the surety shall not possess any landed property & within the Zillah in which the lands of the defaulter shall be situated, but shall possess lands in any other Zillah, the Collector is to depute an Aumeen into the Zillah in which such property may be situated with a letter specifying the Amount of the demand on him and the property to be attached - The Collector of such Zillah is immediately to order a peon to point out the property to the Aumeen who is to keep it in attachment until the Board of Revenue shall have obtai=ned the sanction of the Governor in Council for the sale of it -

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Second 6 The expense of the establishment of the aumeen and all other charges attending his deputation, shall be defrayed by the surety, and disbursed from the Collections made from his estate or farm. The dewan or head officer of the surety, or any other person whom he may think proper to appoint, is to keep a coun-terpart of the accounts of the receipts and disbursements by the aumeen. The Aumeen is to collect, according to the engagements that may subsist between the surety and his dependent talookdars, under farmers and ryots, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them. The

Aumeen

aumeen shall be liable to a prosecution in the court of adawlut of the Zilla for any alterations or infringement of such engagements. In cases in which no engagements may exist between the surety and his dependent talookdars, or ryots the aumeen is to collect from them according to the established rules and usages of the Pergunnah. The aumeen shall likewise be subject to a prosecution by the proprietor of the estate, or the former for embezzlement or injurious done to the estate, or farm, during the time that the collection of the rents and revenues of it may be entrusted to him. The aumeen is to apply the amount of the collections from the lands, after deducting

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deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the Zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made—

Third. If the property of the surety that may be attached, shall be too inconsiderable to admit of its being charged with the expense of an aumeen, the collector to whom the money due from the surety may be payable, is to apply to the Collector of the

the Zillah in which the lands may be situ-
-ated, to order the nearest tehseeldar or na-
-tive officer employed under him in the busi-
-ness of the collections, to take charge of the
lands and the collector to whom the appli-
-cation shall be made, is to comply with it,
and the tehseeldar or native officer to whose
charge he may commit the lands, is to per-
-form the duties prescribed to the aumeen
in the preceding clause, and under the same
restrictions and penalties. The Collector of
the Zillah in which the lands may be
situated, is not to be liable to any prosecu-
-tion on account of the attachment, but the
collector in conformity to whose application
the

the attachment may take place is to be res-
=ponsible for the consequences, in the same
manner as if the lands had been situated in
his own jurisdiction. The board of revenue are
to direct the sale of the lands belonging to
the surety, either during the course of the year
in which they may be attached, or after the
close of it, as they may deem advisable—

XLIII. When lands are ordered
to be sold under this regulation, the collector
is immediately to issue instructions to the
tehseeldar of the purgunnah, to hold the
lands in attachment, collect the rents and
revenues under the rules and restrictions ~
prescribed regarding lands under attachment

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in Section XXXI and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold. —

XLIV. Any person confined for arrears of revenue, or other demands of Government under this regulation either pursuant to a judicial decree, or without such decree, shall be at liberty to apply to the judge of the court of adawlut of the Zillah, to require the collector to shew cause why he is continued in confinement. If the person making such application, shall be confined under a decree passed by the sudder dewanny adawlut, or by the

Zillah

Zillah court, or the provincial court of appeal; and the time prescribed for appealing from the decision shall have elapsed, the judge is not to enter into the merits of the case, but only to enquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequently to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the collector is empowered by this regulation to observe, before conveying persons to jail for claims of government, and he shall dispute the justness of the demand, the judge is not to enquire into the merits of the case, unless the party should renew his complaint,

after

after the expiration of the period during which the collector by the discretionary power vested in him by Section XXVII is authorized to confine parties in arrear, which rule is hereby extended to demands on sureties and purchasers of land as far as it can be applied to them. If however the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequently to his confinement and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the court under Section XXXII. the judge is to proceed to enquire into the merits of the case. Upon examination

examination of the prisoners accounts of his payments if it shall appear to the judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed and the sum being awarded in favor of Government. If the Collector shall not object to the adjustment of accounts made by the court, or if he shall object to them, and the person confined shall omit to give the security above required, and the collector shall not appeal within the time limited for preferring appeals, the judge is to release the prisoner without taking any security. If it shall be found that the

the whole, or a part of the sum for which such person may be in confinement, remains undis=-charged, and he shall acquiesce in the ad=justment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the judge is impowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments during the course of one year after his release. The collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under Section XXXII and this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals. The rules prescribed to the collector

in

42 / 193

in the following Section respecting the decisions therein specified, are to be considered applicable to all decisions passed under Section XXXII and this section.

XLV. Suits instituted against a collector, whether they be on a public Account or of a private and personal nature and all appeals from such suits whether made by the parties instituting them or by the Collector under the authority of the Board of Revenue, shall be in every respect conducted according to the Rules prescribed in XXI to XXIX inclusive of Regulation XXVII 1802.

XLVI. If a Collector shall have been compelled to pay costs or damages in any suit under this regulation, and upon his stating the

the case to the Board of Revenue, it shall so appear to them upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount the Board are to transmit the case to the Governor in Council who will determine whether the Collector shall be made for responsible for such costs or damages or not.

XLVII Arrears of Tuccavy or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments reservoirs, or watercourses, or their improvements to their Estates or Farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of Revenue, and under the same rules and restriction

restrictions as far as may be applicable –

XLVIII If the lands subject to the pay-ment of revenue to Government belonging to any defaulting proprietor or farmer of land or any Surety or purchaser of land which may be sold under this Regulation shall not produce a Sum sufficient for the liquidation of the public de-mand any other real or personal property which the defaulter may possess is to be attached and sold to make good the deficiency under the same rules as are prescribed with respect to the sale of lands subject to the payment of Revenue to Government in Regulation 1802 as far as those rules may be applicable to such property. and if any property shall be attached and ordered to be put up the sale, and the sale shall

be

be Countermanded in consequence of the proprietor

discharging the claim upon him or otherwise he

is nevertheless to be held responsible for all

expences that may be incurred in consequence

of the attachment of the property in the same

manner as if the sale of it had taken place,

and in the event of his ommitting to discharge

the Amount it is to be levied by the same pro=

=cess as the demand for which the property

originally Ordered to be sold may have been

directed to be levied —

XLIX If a proprietor, or farmer, or a

surety, or a purchaser of land, shall deem himself

aggrieved under this regulation by any act which

may be done by the Collector, in conformity to a

special orders from the Governor in Council or the

Board

87

Board of Revenue44 or if a Collector shall de=
=mand a Sum of money under this regulation,
on behalf of Government from any of the above=
=mentioned discriptions of persons, and the staked
defaulter shall admit the demand to be conforma=
=ble to the engagements or stipulations under
which the Collector may make the demand,
but deny their Validity, or have any objections
to make to them, either wholly or in part under
any regulation passed by the Governor in Council
and printed and published in the manner sa
prescribed in Regulation I, 1802 the Collector
is not to be liable to any prosecution on account
of such act, or the demands that he may make
conformably to such engagements or stipulations
which are to be held Valid until they are set
aside

aside, or altered by a final judicial decision, and the proprietor or farmer of land, or surety, or purchaser of land is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety, or a purchaser, is to present a petition to the Judge of the adawlut of the Zillah in which the cause may be cognizable, stating his objections to the act or to the engagements or stipulations, and praying that the Governor in Council will order the Court of Adawlut of the Zillah, to try the points or matters contested under the regulations

The

59

The judge to whom the petition may be presented is to forward it immediately to the Governor in Council who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the Courts of Justice shall be competent to try the cause, will direct the Court in which it may be cognizable to proceed to the trial of it. If the Governor in Council shall order the cause to be tried the Judge of the Court is to send a written notification of the order to the complainant and the cause is to be considered as filed in the Court from the date of the notification. The Court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals the Collector is to

carry

carry on, under the orders of the Board of Revenue, all suits that may be instituted against Govern-ment in conformity to this Section, and the issue the necessary instructions to the Vakeel of Government in the Zillah Court and in the Provincial Court of appeal, or to the Sudder Dewanny adawlut, should the cause be appeal-led to the former, or both of those Courts. In the event of Government being lost in the Zillah Court, or in the Provincial Court of Appeal, the Collector is to send copies of the decree and proceedings of the Court (which are to be deli-vered by the Court to the Collector as soon as may be practicable, upon his applying for them) with a letter stating his objections to the decision to the Board of Revenue, who are to submit

46

91

submit them with their opinion on the case, to the Governor in Council, who will order an appeal to be preferred from the decision or not, as may deem adviseable. All Costs and damages that may be awarded against Government in suits instituted under this Section, are to be defrayed from the Public Treasury —

10 The rules respecting the collectors contained in this regulation, are to be considered equally applicable to the assistants to the Collectors, or any other persons who may be appointed by the Governor in Council to officiate as Collector, during the temporary absence of the Collectors or whilst the Office may be vacant —

11 No part of this regulation is to be

be construed to authorize the confinement of the person of any joint proprietor of an estate, committed to the charge of a manager whilst such manager remains responsible, nor to empower the Collector to take a female propri-etor of land into Custody, or to order any such proprietor to attend him in person under any pretext whatever -

LII The Collectors are generally empowered to require the personal attendance of any landholder or other native inhabitant, within their respective jurisdictions, when the attendance of such person may be indispensibly necessary for the purpose of any authorized or public enquiry, or to enable them to perform any part of their public duty under the regulations

regulations or instructions of the Governor in Council or the Board of Revenue. But a Collector shall not cause the personal attendance of any land-holder or other person, who may appoint an agent duly authorized to attend for him, if the attendance of the agent so appointed shall be adequate to the purposes required. where a Collector may have occasion to exercise the power as above authorized, he shall issue a regular summons under his official seal and signature specifying the name, designation, and residence of the party summoned and the purpose or purposes, for which his attendance is required any infringement of this rule, shall render the Collector liable to an action for damages in the Civil Court -

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LIII. No attachment of an estate or farm shall be made without the sanction of the Board of Revenue, except in cases when the Collector may deem the same expedient to induce the payment of the arrear by the defaulter or to obtain accurate information of the assets of the Estate for the purpose of disposing of a portion of it by Public sale at the close of the year or the prevent his misappropriation of the remaining rents of the year When an attachment may be deemed adrisiable for the purposes above stated the Entire Estate shall be attached. Estates or farms shall in no case be liable to attachment, during the three first months of the Fusly year - without the Sanction of the B-

408

of Revenue to that effect, being first had and

95

obtained by the Collector – But this rule shall

not be Considered as applicable to Attachments

which have been made in the preceding year,

and continued after the expiration of it, with

a view to the lands being brought to Sale for

the recovery of the Arrear due from them. –

Exd.

H. W. Oakes.

Asst.

Standing Regu-
lations framed by
the Board of Revenue

செப்பணிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட
அக்டோபர் மாதம் 1987 வருடம்

செப்பணிட்டு முடித்த
~~அக்டோ~~ November மாதம் 1987 வருடம்

ஆராய்ச்சி உதவியாளர்
கையொப்பம்

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